

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DOCKET NO.: 05-11323 MLW

CRYSTAL A. ATHERTON
Plaintiff,

V.

CITY OF BEVERLY, WILLIAM F. SCANLON, JR., in his official and individual capacity and JOHN DUNN, in his official and individual capacity
Defendants.

**MOTION OF PLAINTIFF CRYSTAL A. ATHERTON FOR PARTIAL SUMMARY
JUDGMENT RELATING TO COUNTS I AND II OF HER COMPLAINT**

Now comes the Plaintiff, Crystal A. Atherton, (hereinafter “Atherton”) who hereby moves for partial summary judgment relating to Counts I and II of the Complaint against the Defendants, City of Beverly and William F. Scanlon (hereinafter collectively “Defendants”) pursuant to Fed.R.Civ.P.56.

In support thereof, Atherton states that there are no material issues of fact are in dispute, and the Plaintiff is entitled to judgment as a matter of law as to Count I (Violations of Plaintiff's Right to Due Process) and Count II (Wrongful Political Termination) against said Defendants. Atherton further relies upon and incorporates by reference herein the Plaintiff's Local Rule 56.1 Statement of Facts and exhibits thereto, as well as the Memorandum of Law in Support of this Motion for Summary Judgment which is also filed herewith.

WHEREFORE, Plaintiff Crystal A. Atherton respectfully requests that this Court grant her Motion for Partial Summary Judgment as to Liability pursuant to Fed.R.Civ. P. 56 as to Count I and Count II of the Complaint.

Respectfully Submitted,

CRYSTAL A. ATHERTON

By her Attorney,

/s/ Jordan L. Shapiro

Jordan L. Shapiro
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640 Main Street
Malden, MA 02148
(781) 324-5200

DATED: March 14, 2008

CERTIFICATE OF SERVICE

I, Jordan L. Shapiro, hereby certify that on the date set forth below, a copy of the foregoing Plaintiff's Motion for Partial Summary Judgment as to Liability Relating to Counts I and II of the Complaint, Statement of Facts Pursuant to Local Rule 56.1 with Exhibits 1-9 as well as the Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment as to Liability Relating to Counts I and II of the Complaint were transmitted electronically to the following counsel of record:

David C. Jenkins (BBO# 251000)
Elizabeth R. Corbo (BBO# 640131)
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

Dated: March 13, 2008

/s/ Jordan L. Shapiro